

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court upon the motion of Joseph Fields for leave to commence this action without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. Upon consideration of the financial information provided with the motion, the Court finds that plaintiff is financially unable to pay any portion of the filing fee. As a result, plaintiff will be granted leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), the Court must dismiss a complaint filed in forma pauperis if the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief against a defendant who is immune from such relief.

This is plaintiff's fourth attempt to bring this action.¹ The Court dismissed each of plaintiff's previous complaints as frivolous under 28 U.S.C. § 1915(e). As a result, the instant complaint will be dismissed as duplicative. E.g., Cooper v. Delo, 997 F.2d 376, 377 (8th Cir. 1993).

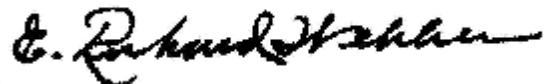
Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [Doc. #4] is **DENIED** as moot.

An appropriate Order of Dismissal shall accompany this Memorandum and Order.

So Ordered this 11th Day of August, 2008.



E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE

¹See Fields v LaBarge, 4:06CV1782 ERW (E.D. Mo.); Fields v. Option One Mortgage Corp., 4:04CV998 ERW (E.D. Mo.); Fields v. Option One Mortgage Corp., 4:02CV836 ERW (E.D. Mo.).